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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,563	08/26/2002	Steve Smith	9052-112	6704
20792	7590	09/27/2004	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC				MILLER, WILLIAM L
PO BOX 37428				PAPER NUMBER
RALEIGH, NC 27627				3677

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/088,563	SMITH, STEVE	
	Examiner William L. Miller	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 July 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 and 30-32 is/are pending in the application.
 - 4a) Of the above claim(s) 9,24 and 30-32 is/are withdrawn from consideration.
- 5) Claim(s) 25-28 is/are allowed.
- 6) Claim(s) 1-7,12,17,18 and 20 is/are rejected.
- 7) Claim(s) 8,10,11,13-16,19,21-23 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species I, namely Figs. 3-6, in the reply filed on 07-15-2004 is acknowledged. Claims 9, 24, and 30-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species. Claim 9 recites the labyrinth seal comprises a plurality of holes. The holes are defined by the applicant as hollows and as being only partially cut through the seal (page 3, lines 16-17). This labyrinth seal design is shown in the non-elected species of Fig. 8 via elements 46-49 as the elected species of Figs. 3-6 includes apertures via elements 15 and 16.

Claim Objections

2. Claims 2, 3, 6, 7, 12, and 20 are objected to because of the following informalities: claims 2, 3, and 12, change "means for dispersing the pressurized fluid" to --labyrinth seal--; claim 6, change "means for dispersing pressurized fluid" to --labyrinth seal--; and claim 7, change "a pressurized fluid dispersing means" to --the labyrinth seal--. Claim 20 currently depends from itself. For examination purposes, claim 20 is assumed to depend from claim 18. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3677

4. Claims 1-7, 12, 17, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by FR 1549562 (hereinafter "FR562").

5. FR562 discloses in Fig. 2 a radial sealing ring assembly comprising: a radial sealing ring provided with a pair of sealing lips 14 on the inner and outer circumferential face; and a labyrinth seal 4 located on and an integral part of both axial end faces of the sealing ring.

6. Regarding claims 2 and 3, the labyrinth seal is capable of dispersing pressure in both a circumferential and radial direction.

7. Regarding claim 5, the sealing ring is capable of being used in a system wherein the external pressure on the ring is greatest than the internal pressure.

8. Regarding claim 17, the assembly is capable of tolerating 20-70 bar.

9. Regarding claims 18 and 20, the assembly includes a containment ring being viewed as element 16 disposed on the inner circumferential face.

Allowable Subject Matter

10. Claims 8, 10, 11, 13-16, 19, 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 25-28 are allowed.

Conclusion

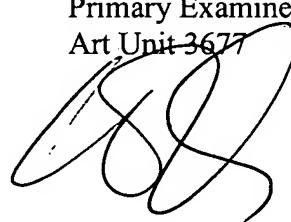
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is 703 305 3978. The examiner can normally be reached on Tuesday-Thursday.

Art Unit: 3677

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703 306 4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Miller
Primary Examiner
Art Unit 3677



WLM
09-23-2004